

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LYNN OXENBERG and RONALD LEWIS

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity
as Secretary of the United States Department
of Health and Human Services,

Defendant.

Civil Action No. 20-738-CMR

PRAECIPE

TO THE CLERK OF THE COURT:

Please file the enclosed, certified Administrative Record in the above-captioned case pursuant to: (1) 42 U.S.C. § 405(g), made applicable by 42 U.S.C. § 1395ii (allowing for judicial review of the decision of Secretary of the United States Department of Health and Human Services on the administrative record); and (2) Local Rule of Civil Procedure 5.1.2.16.B.1 (excluding administrative records from filing on CM/ECF). The government attaches: (1), as Exhibit 1, the certification of the record; and (2) as Exhibit 2, an index of the documents in the certified record.

Additionally, given current concerns about COVID-19 and physical filings, the Court directed undersigned counsel to confer with the Clerk's office to determine how best to electronically file the Administrative Record without using the Court's CM/ECF system. Pursuant to the direction of Nicole D'urso, Case Processing Supervisor, the Administrative

Record is being transmitted through her to the Court via the U.S. Department of Justice's USAfx file transfer site.

This Administrative Record includes documents that have been Bates-numbered from 001 to 4822.

No redactions from the record are required. *See* Fed. R. Civ. P. 5.2(b)(1) (exempting "the record of an administrative or agency proceeding" from Rule 5.2 redaction requirements).

Additionally, counsel for Plaintiffs has confirmed in writing that Plaintiffs have waived any confidentiality or privacy interests in the material in the Administrative Record.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

/s/ Matthew E. K. Howatt
MATTHEW E. K. HOWATT
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/s/ Eric S. Wolfish
ERIC S. WOLFISH
Special Assistant United States Attorney/
Assistant Regional Counsel, HHS
Eric.Wolfish@hhs.gov

Dated: April 20, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused a true and correct copy of the foregoing Praeclipe, with index and certification, to be served on all counsel of record via the Court's CM/ECF system.

Additionally, I have made the certified Administrative Record available electronically to Plaintiffs' counsel.

/s/ Matthew E. K. Howatt
MATTHEW E. K. HOWATT
Assistant United States Attorney

Dated: April 20, 2020

EXHIBIT 1

United States of America

Department of Health and Human Services

CERTIFICATION OF TRUE COPY

Pursuant to the provisions of 42 U.S.C. 3505 and the authority vested in me by delegation from the Secretary (See attached), I hereby certify that the annexed are true copies of the documents on file in the Department of Health and Human Services.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Department of Health and Human Services to be affixed, on this 3rd day of April, 2020.



Angela K. Roach

Angela Roach
Executive Director and
Administrative Appeals Judge



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D.C. 20201

MAR - 5 1992

TO: Chair, Departmental
Appeals Board

FROM: Terrence J. Tychan *Terrence J. Tychan*
Acting Deputy Assistant Secretary for
Management and Acquisition

SUBJECT: Authority to Certify True Copies and Affix the
Department Seal

Under the authority vested in the Deputy Assistant Secretary for Management and Acquisition on November 14, 1991 (attached) to certify true copies and affix the Department Seal for the Office of the Secretary, I hereby redelegate to the Chair of the Departmental Appeals Board:

1. The authority to certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such, to certify that true copies are true copies of the entire file of the Department, to certify the complete original record, or to certify the nonexistence of records on file within the Department, and to cause the Seal of the Department to be affixed to such certifications.
2. The authority to cause the Seal to be Affixed to agreements, awards, citations, diplomas, and similar documents.
3. These authorities may be redelegated.
4. This redelegation supersedes all previous redelegations of authorities to the Chair of the Departmental Appeals Board relating to this subject. Further redelegations made under previous redelegations of authority shall remain in effect until appropriate new redelegations are made.

Attachment



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Departmental Appeals Board
Room G-644, MS 6127
330 Independence Avenue, SW
Washington, D.C. 20201

To: Angela Roach, Administrative Appeals Judge
From: Constance B. Tobias CRS
Chair, Departmental Appeals Board
Subject: Redelegation of Authority to Certify True Copies and Affix the Department Seal

Effective March 5, 1992, the Acting Deputy Secretary for Management and Acquisition of the Department of Health and Human Services redelegated to me the authority to certify true copies of certain records and affix the Departmental Seal for the Office of the Secretary.

Effective August 21, 2018, I hereby redelegate to you, as an Administrative Appeals Judge and the Medicare Operations Division (MOD) Executive Director, these authorities, to be exercised for all records developed within MOD.

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LYNN OXENBERG)
and)
RONALD LEWIS,)
Plaintiffs)
v.) Civil Action Number:
SECRETARY of the) 2:20-cv-00738-CMR
UNITED STATES DEPARTMENT OF HEALTH)
AND HUMAN SERVICES,)
Defendant.)

ADMINISTRATIVE RECORD

Lynn Oxenberg & Ronald Lewis
Appellants

Lynn Oxenberg & Ronald Lewis
Beneficiaries

1-8393258352 & 1-8411344383
ALJ Appeal Numbers

Lynn Oxenberg & Ronald Lewis,
Plaintiffs

v.

Secretary of the United States Department of Health and Human Services,
Defendant.

Court Identification Number: 2:20-cv-00738-CMR

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